App. F. IX-4

1915
1915.

File No. 24-1915

Previous References

~~9.T35-40 M168.~~ (Begin)

Serial Nos. 1, 2 +5

Later References

9.T35-40 M168

W 1901

General and Revenue Secretariat.

A collect

Serial Nos. None

50

Manuscript Part B for December 1916.

SUBJECT

Re Provident Fund Regulations

Manuscript
11-11-27

[redacted] Proceedings

File No 24-1915.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

PROCEEDINGS OF THE GENERAL AND REVENUE SECRETARIAT.

For December 1916.

Judicial and Legislative (Legislation).

"A" Collection. Serial Nos 1,2 & 5.

The Provident Fund Regulation.

Table of contents

Serial No	Number and date of letter and contents	Page in A Proceedings
1.	To the Hon'ble the Resident in Mysore. No 3495 dated 16-11-15. Forwards copy of a Bill to amend the law relating to Govt. and other Provident Funds and states that it will be placed before the Legislative Council.	
2.	From the First Assistant to the Resident. No 8539 dated 25-11-15. Informs that there is no prima facie objection to the Bill.	
5.	To the Compiler, Mysore Gazette. No J 2[illegible] dated 28-12-16. Orders the publication of the Regulation as Regulation No IX of 1916.	

T V R.

Legis-Reg-Cr 1-41-16 Mad (4-16)

G.R.S. 11] 1915-16

GENERAL AND REVENUE SECRETARIAT.

(Legis)

NOTES.

File No. 24-15

FILE HEADING.

The Provident Fund Regulation

From

No. Dated Received

Diary No.	Enclos.	Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

NOTES—First Sheet.

GPB—35,000—15-6-12.

~~J. May 34-14~~ 2 2

G. R. S. 12]

General and Revenue Secretariat. Legis. File No. 24. of 1915.

Serial No.

1) Submitted

2) Please put up the copy of the Provident Funds Act of 1897, and as soon as it is taken up a draft clause to S 60 of the Civil Procedure Code may be put up.

Legis 21/4

Examined & Re 21/4

3) Vol. IV of the Unrepealed Acts of the G.G. in Council (4th Edn.) is put containing the Provident Funds Act of 1897 (page 587) is put up. Spare copies of the same are not available. Vol. III of the unrepealed Acts containing the Local Authorities Loans Act of 1879 referred to in the Provident Funds Act, 1897 is also put up.

29/4/15

S.V.S. 29/4/15

4) As the Provident Funds Act is a small one, please have 3 copies typed for in usual half margin for preparing a draft as that basis.

Legis 29/4

Examined Re 29/4

5) To the typing section to type 3 copies in half margin of the Indian Provident Funds Act IX of 1897 and also 3 copies in half margin of para 1 of sec: 3 of the Local Authorities Loans Act, XI of 1899.

1-5-15.

1. vide p. 587 of Vol. IV of unrepealed Acts (4th Edn.) put up

vide page 260 of Vol. III of unrepealed Acts (4th Edn.) put up as portion marked in pencil.

NOTE—Contn. sheet.

GPB—25,000—22-3-15

G. R. S. 12]

General and Revenue Secretariat.

File No. 24 of 1915.

Serial No.	
6)	Subd. 3 copies of the Indian Provident Fund Act, 1897 are put up. In one copy pencil corrections for adapting it to Mysore (as draft Bill) is put up. The "Local authority" is defined in the General clauses Regn. S.V.S. 4/5/15
	7) Please put up Gazettes of India 1896 (Part V. p. 254), 1897 (Pt V.) 4, Part VI, pp 2, 5 6 V) 4)
	E Srinivasa Iyer 5/5/15
8)	The Gazettes referred to above are herewith put up. S.V.S. 7/5/15
	9) I have put up a revised draft for approval.
	10) The points on which legislation is necessary are:-
	1. Exemption from attachment of the money standing to the credit of a member.
	2. Payment of the sum standing to the credit of a member of a Provident Institution to his heirs or nominee without the production of a Succession Certificate &c.
	11) The other provisions in Bill are

NOTE—Contn. sheet.

GPB—25,000—22-3-15

Jdms 434-14

4 B 4

R. S. 12]

General and Revenue Secretariat.

Legis. File No. 14 of 1915

Serial No.	
	Speedy and necessary to these two main objects.
	12) The first object can be secured by merely amending S 60 of the Civil Procedure Code; but for the second, special legislation is necessary, unless perhaps a special agreement is considered sufficient. The British Indemnity Act restricts the authority to pay the assets to the heir or nominee without the production of the necessary certificate up to the limit of Rs 2000/- only. In our State (Travancore) there is no such limit for payment to the nominees. Hence a point for order whether the same enactment should be shown to the members of the Provincial Council also. S.S. is a specially valuable Sect province.
	13) A draft statement of Objects and Reasons is also submitted for approval.
	Ernakulam 8/5/15 Tyler
	Last Member — Dr
	14 Why is the depn of Govt Pr. Fund deleted?
	15 I have amended the draft. The reasons are evident. Please get it

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

J Mus 434-44

R. S. 12]

General and Revenue Secretariat.

Legislative File No. 44 of 1915

Serial No.	
	typed & recast the 8th of O & R to suit the draft.
	16) It may then be circulated to Council.
	Hrm anjimdayya
	5/7/15
	6/7/15
Legr 6/7	17) Please put up typed copy S. Srinivasa Ry Legr 6/7
	18) To typing section to prepare 3 copies of the Bill as corrected and of the statement of Objects and reasons in half margin.
	8/7
18)	19 Subd. with a typed copy of the Bill as corrected and also of the statement of Objects and reasons. S.V.S. 14/7/15
	20) Please get statement of Objects & reasons typed.
	Srinivasa 17/8
	20 Subd. with a typed copy of the S. of O & R as revised. S.V.S. 17/8/15

NOTE—Contn. sheet.

HPB—65,000—17-6-12.

f. nos 1434-1447

6 6

R. S. 12]

General and Revenue Secretariat.

Legis File No. 24 of 1915

Serial No.	
	24) ~~27~~ Submitted for orders for circulation. Examined 1/8/14 Legis Secretary) DR C.S. can speak to mark. 14/8 D. M. Narasimha Rao. 14/8/15
	23. Seen by the 2nd Member on 16/8 (vide Circulation Sheet attached) 22)
	~~24~~ Heading and preamble. For the words "Government and other Provident Funds", may not the words "authorised Provident Funds" be substituted? This is only consequential on the modification made by the First Member, of the draft put up by the office
	23) ~~25~~ Clause 3. In the marginal note, the words "authorised Provident Fund" may be substituted for "Government or Railway Provident Fund".
	24) ~~26~~ The figure "(1)" may be deleted as there are not several sub-sections.
	25) ~~27~~ (b) "Hereinafter" is clearly a clerical mistake for "hereinbefore".
	26) ~~28~~ Will it be any improvement if the last part is modified as follows:- "Provided that where the sum at credit exceeds one thousand rupees, such person produces a succession certificate obtained under the law in force."
	27) ~~29~~ Clause 4 (1). The word "any" before "attachment" may be omitted as it is unnecessary.
	28) ~~30~~ Clause 5. "In respect of any thing done or

35. Hardly, as this is not a part of the Regn in which authorised Prf Fd is defd. H.V.N.

34 Yes - H.V.N.

~~35~~ yes - H.V.N.

36 Yes H.V.N.

37 ~~Yes~~ H.V.N.

NOTE—Contn. sheet.

R. S. 12]

General and Revenue Secretariat. Legis. File No. 14 of 1915.

Serial No.

"intended to be done in good faith".—What is the significance of this? Does it mean that where any thing has been done, an officer or person is protected though it has been done in bad faith. May not the words "in good faith" be transposed next to the words "to be done", a comma being added after those words?

28 Perhaps better to omit intended & be done & to say 'done in good faith in pursuance of &c' (may be considered later on) H.V.W.

29) 31 Clause 6. The bill as framed applies to all funds constituted by the authority of Government. If by this clause, it is intended to give power to Government to extend its provisions to any Provident Fund not so constituted, may not that intention be made clear by the addition of the words "though such fund may not have been constituted by the authority of Government" at the end of this clause or making any other suitable modification? Is this clause necessary?

29 I have altered the draft. H.V.W.

30) 32 The scope of the present bill is much wider than that of the corresponding British Indian Act While the latter Act applies to Government and Railway Provident Funds and other Provident Funds established by any local authority as defined in the Local Authorities Loan Act of 1879, to which the Governor-General in Council may extend its provisions, the provisions of the present bill are applicable to Provident Funds established for the benefit of the employees of not only such

NOTE—Contn. sheet.

GPB—25,000—2-11-14

Serial No.

such authorities but also of other institutions such as Muzrai, aided schools &c. and even of registered companies. May this not be mentioned in the statement of objects and reasons?

K. Narasimharaja Wadayar 20-8-15

I wish to consider this Regn. further. It may be taken up at the meeting of next week.

Please put up a Copy of Local Authorities Loans Act. 1914.

7/9/15

31) I have made some alterations in the draft which I think meet the objections raised above & also improve the bill in other respects.

32) The Copy may be re-typed, and the Cir. Completed. If disposed of early, this may be placed before the next meeting of the Council.

H.V. Nanjundayya 9/9/15

GPB—25,000—2-11-14

G. R. S. 12]

General and Revenue Secretariat. Legis File No. 44 of 1915.

	Serial No.	
	42. 33	Subd. with a typed copy of the Bill with Statement of Objects and reasons as revised by the 1st member. The file has also been seen by the 2nd member (vide the circulation sheet attached to the file
vide page 7 para 10		
(vide facing sheet)		S.V.S. 13/9/15 S. Srinivasa Iyer 13/9
To be included in the next Agenda.		Secretary) C.S. ar. Secy 13/9 13/9 ans. 14/9 15.9.15. ans. 16/9

NOTE—Contn. sheet.

GPB—20,000—30-6-15.

For disposal at a Meeting.

16

No. C. 83.

16.8.1915.

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

SUBJECT.
(Clause ii of the Schedule).

Draft Provident Funds Bill.

CIRCULATED TO THE MEMBERS OF COUNCIL.

By Order,

D. M. Narasinga Rao

14th August 1915.

offg. *Secretary to Government.*

Extraordinary Member of Council. Opinion recorded by Extraordinary member.

First Member of Council. Seen by the First Member of Council

Second Member of Council.

16/8

16/8

GPB—1,000—3-2-14

G. R. S.

11

Extract from the Proceedings of the 363rd Meeting of the Council of His Highness the Maharaja, held at Bangalore on the 29th September 1915

---

13. SUBJECT. - (Clause 11 of the Schedule).

Draft Provident Fund Bill.

OPINION OF THE COUNCIL.

34/43 The draft Bill may be approved.

(Sd) M. Visvesvaraya,
Dewan of Mysore.

"Extract"

D. M. Narasimha Rao
Secretary to Government,
General Department.

GPB—2,000—5-5-10

G. R. S. 12]

General and Revenue Secretariat.

Hilfs File No. 24 of 1915.

Serial No. 35

A.D.S.N is also put-up.

Draft of Letter 13/10

2177
30.10.15

NOTE—Contn. sheet.

GPB—20,000—30-6-15

Final Note by the First Member of Council.

Subject:-- Provident Fund Bill.

36 45 As the State has commenced to work Railways whether owned by the State or District Boards, it was deemed necessary to start a Provident Fund Institution for the benefit of the staff actually employed on working railways and also those employed in head quarter offices on railway duties.

2. 37/46 The Secretary for Railways therefore sent up a draft set of Rules based upon those in force in British India and compiled in consultation with the Comptroller, Public Works and Railway Branch. The Government Advocate who was also consulted in the matter suggested that a legislative enactment on the lines of the British Indian Provident Fund Act, 1897, be passed, and that provision may also be made therein for securing for deposits &c., effective immunity from attachment.

3. 38/47 The draft Bill has therefore been prepared to secure both these objects. It was considered and approved in Council,

4. 48/39 The approval of His Highness to the Bill is required, for placing it before the Legislative Council.

H. Manjunadayya
First Member of Council.

Dated 9th October 1915.

* vide 2
* Page 7
* Page 9 of file Note

14 13

Submitted to His Highness.

× Flag V
⊙ Flag S.
× Flag Q

40/49 I submit herewith a final× note by the First Member on the Provident Fund⊗ Bill drafted on the lines of the Indian Provident Fund Act, 1897, for the purpose of placing on a legal basis certain draft× rules framed by the Secretary for Railways in regard to a Provident Fund Institution which it is proposed to start for the benefit of the Railway Staff.

41
~~5~~ I solicit His Highness's sanction to place the Bill before the Legislative Council.

M. Visvesvaraya
29th Oct. 1915

16 14

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Sanction to place the Provident Funds Bill before the Legislative Council.

344

42 ~~41~~

Order.

~~KRMP~~

1/11/15

52. Leslie, 2.11.15 Dwn 3/11 Ro

~~43~~? Draft Rules Srinivasa 4/11 Iyer.

43

G. R. S. 12]

General and Revenue Secretariat.

g Mis 434-14

g 1449

15

16

Legis File No. 24 of 1915-16

Serial No.	
	44) Subv. with a draft D.O. to the Resident which has to be issued from the Dewan's Office. S.V.S. 4/11/15 by Srinivasa Iyer Es 5/11/15
	Sec'y Dewan) Dewan 14/11/15 Es 15/11
2423 15.11.15.	45) The draft D.O. letter approved by the Dewan has been issued and placed on file (vide D.O. No. 3495 dated 16.11.15). Dewan 1914 Es 20/11 CR 19.11.15.
Legs 20/11	
1	To The Honble Sir Hugh Daly, Resident in Mysore, Bangalore.
	D.O. No. 3495 16-11-1915
	Forwards copy of a bill to amend the law relating to Sport and other Provincial Funds with the statement and states that the bill will be placed before the Legislative Council
2	No 8539 of 25/11/15 From the F.A. Resident informs that there is no prima facie objection to the Bill being placed before the Legislative Council at its next meeting. In the meanwhile orders are received as to the Member

NOTE—Contn. sheet.

GPB—20,000—30-6-15

49 (1) 1916

G. R. S. 12]

General and Revenue Secretariat.

g2513

Legs File No. 24 of 1915-16

Serial No.

of Council who will be in charge of the Bill.

S.V.S.

1/12/15

L. III

47) If approved, this work be placed in charge of the First Member

Srinivasa 1/12 Legs.

S Rao

First Member 8/ Hari Singh Gour

2/12/15

Lett 3/12

3/12

GS 3/12

GS 58) The first member asked for & obtained leave to introduce the Bill. The Bill has to be read in Council and referred to a Select Committee at the next meeting

Srinivasa 18/1 Legs

NOTE—Contn. sheet.

G. R. S. 12]

General and Revenue Secretariat.

File No. 24 of 1915.

Serial No.	
3	No 2531 dated 15/3/16 (16) From the Secy to Govt for Railways. Requests the return of this office papers re the institution of the State Railway Provident Fund. Subd. with a draft returning the papers. 17/3/16 Jones
4	To the Same. Officiating as above. 20-3-1916. Returns the papers in the matter of the Mysore State Railway Provident Fund and requests an acknowledgment.

NOTE—Contn. sheet.

GPB—20,000—30-6-15

Subd.

Leave to introduce the Bill was granted by the Council on the 28th Jan. 1916 and the Bill was read and referred to a Select Committee on the 28th April 1916. The Report of the Select Committee with the Bill as amended was considered by Coun-

No 9 / 18.4

NOTE—Contn. sheet.

GPB—20,000—30-6-15

J 25 [illegible]

G. R. S. 12]

General and Revenue Secretariat.

Legis File No. 24 of 1915.

Serial No.

~~On the 5th Dec: 1916~~ and the Bill was passed on the 5th Dec: 1916 His Highness' sanction for promulgating the Bill into law is required. Draft final and submn: note with a copy of the Bill as finally passed ~~for~~ and the printed copies of the Abstract Proceedings 9/12/16 of the meetings of the Legis: Council shewing how the Bill are put up.

9/12/16 Sd. 50) Draft approved

Sd. Srinivasa Iyengar

Second Member) 10.12 Sd. 11/12

Draft Submission note is submitted for favour approval.

Sd. 11/12

Sd. The abstract Proceedings of the meeting on the 5/12/16 has not been printed yet

9/12/16. Sd.

Sd.

Draft copy put up

Sd. 16/12/16

319/9.12.16.

Legl. Member) Sd. 18/12/16

350/18.12.16

NOTE—Contn. sheet.

GPB—70,000—17-12-15

Final Note by the ~~First~~ SECOND Member of Council.

Subject:—

The Provident Funds Bill.

"Page 1 of Office notes"

51) The Provident Funds Bill has passed × through the Legislative Council in all its stages. The scope of the measure is given in the statement × of objects and reasons accompanying the Bill and the Bill as finally passed. The gracious sanction of His Highness is required for its promulgation as law. A collection of papers showing the discussion in the Council during the several stages is submitted for reference.

× N.

W Thompson

Second Member of Council.

10.12.16

4

Submitted to His Highness.

×F. 52) I submit herewith a Final× Note by the Second Member of Council on the subject of promulgating as law the - Provident Funds Bill for His Highness' gracious approval.

HSR

14th Dec. 1916

Record of Cases submitted for the Orders of His Highness the Maharaja

Subject.

Promulgation as law, of the Provident Funds Bill.

634

Order.

22/12/16

G. R. S. 12]

~~42573~~
~~42573~~ 42573

23

General and Revenue Secretariat.

Legis File No. 24 of 191 5.

Serial No.	
	55) Subd. with a draft order to the Compiler, Mysore Gazette, for publication of the Regn. S.V.S. 26/12/16 56) Immediate Srinivasaiyer 27.12
5	To the compiler Mysore Gazette no 32299 28th Dec 1916 Orders the publication of the Regulation (The Provident Funds Regulation) as Regn IX of 1916

NOTE—Contn. sheet.

GPB—70,000—17-12-15

24.

G.R.S. 26]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *191*

Date of issue.....

Signed by.....

Section Legi.
File No. 24-1/5
Serial No. 1

To the Hon'ble the Resident in Mysore

D.O. No. 3495 Dated 16.11.15.
En: Two

My dear Sir

I enclose herewith copy of a Bill to amend the law relating to Government and other Provident Funds. The Statement of Objects and reasons explains clearly the scope of the measure. The Bill will be placed before the ~~Mysore~~ Legis. council in due course.

Yours very sincerely
Dewan

To
The Hon'ble
Col. Sir Hugh Daly K.C.I.C., C.S.I.
Resident in Mysore

16-11-15

'D / 19/4

A Bill to amend the law relating to Government and other Provident Funds

---

Whereas it is expedient to amend the law relating to Government and other Provident Funds; His Highness the Maharaja is pleased to enact as follows:—

Title, extent and commencement.

I (1) This Regulation may be called the Provident Funds Regulation/

(2) It extends to the whole of Mysore;

(3) It shall come into force at once.

Definitions.

2. In this Regulation,

(1) "Provident Fund" means a fund in which the subscriptions or deposits of any class or classes of employees are received and held on their individual accounts, and includes any contributions, credited in respect of, and any interest accruing on, such subscriptions or deposits under the rules of the Fund:

Government Provident Fund.

(2) "Government Provident Fund" means a Provident Fund constituted by the authority of the Government for any class or classes of its employees:

(3) "Compulsary deposit" means a a subscription or deposit which is not repayable on the demand, or at the ---

option, or the subscriber or depositor and includes any contribution which may have been credited in respect of and any interest or increment which may have accrued on, such subscriptions or deposit under the rules of the Fund.

Payment from Government (~~or Railway Provident Fund~~) on death of subscriber or depositor.

3. (1) When a subscriber to, or depositor in, any Government Provident Fund, dies the officer or person whose duty it is to make payment of such sum may pay it,

(a) to any person entitled to receive it according to the rules of the Fund, or, in the absence of any rule of the Fund to the contrary, to any person nominated in writing by the deceased subscriber or depositor to receive it,

(b) in default of any such person as aforesaid to the person who produces a succession certificate or probate or letters of administration obtained under the law in force, claiming to be entitled to receive such sum, provided that where the sum payable does not exceed one thousand Rupees, payment may be made to such person whom the officer or the person making the payment after reasonable enquiry finds to be entitled to receive it.

Protection to deposits and other sums in certain cases.

4. (1) Compulsary deposits in any Government Provident Fund shall not be liable to attachment under any decree

or order of a Court of Justice in respect of any debt or liability incurred by a subscriber to, or depositor in, any such Fund, and a Receiver appointed under the Mysore Insolvency Regulation, 1941, shall not be entitled to, or have any claim on, any such compulsory deposit.

(2) Any sum standing to the credit of any subscriber to, or depositor in, any such Fund at the time of his decease and payable under the rules of the Fund or under this Regulation, to the widow or the children, or partly to the widow and partly to the children, of the subscriber or depositor, or to such person as may be authorized by law to receive payment on her or their behalf, shall vest in the widow or the children, or partly in the widow and partly in the children as the case may be, free from any debt or other liability incurred by the deceased, or incurred by the widow or by the children, or by any one or more of them, before the death of such subscriber or depositor.

Protection for anything done in good faith under this Regulation.

5. No suit or other legal proceeding shall lie against any person in respect of anything done or in good faith intended to be done in pursuance of the provisions of this Regulation.

Power to extend Regulation to other Provident Funds.

6. The Government may in its discretion, by notification in the official Gazette, extend the provisions of this Regulation to any Provident Fund established for the benefit of its employees by any Company which administers a Railway or Tramway in Mysore under contract with Government, or for any employees under a District Fund or a Municipal Fund, or for any employees in any aided Educational Institutions or in a Muzrai Institution, or under any company registered according to law.

139

Statement of objects and reasons.

Since the State has commenced to work Railways whether owned by the -- State or District Boards, it is --- deemed necessary to start a Provident Fund Institution for the benefit of those employed on working railways or in the offices. It is proposed to exempt the person entitled according to the rules of the Fund, to the sum to the credit of a subscriber at his death, or his nominee from the production of a probate or succession certificate and thereby enable him -- to receive the amount without the -- trouble and expense involved in --- obtaining such authority. In other cases exemption is allowed only when the amount does not exceed one ---- thousand rupees. As the Fund is -- intended mainly for the benefit of the family of the subscriber it is also considered necessary to protect the money from attachment. Power is also taken for extending the provisions to other Provident Funds. The Bill is drawn up on the lines of the British Indian Act.

NOTIFICATION.

No. 280—L. C., dated the 29th January 1916.

Under Rule 31 of the Rules for the conduct of business of the Mysore Legislative Council, the following Bill to amend the law relating to Government and other Provident Funds is published for general information with a statement of objects and reasons.

By Order,
G. SREENIVASA IYER,
Secretary, Mysore Legislative Council.

A Bill to amend the law relating to Government and other Provident Funds.

Whereas it is expedient to amend the law relating to Government and other Provident Funds; His Highness the Maharaja is pleased to enact as follows:—

Title, extent and commencement.

1. (1) This Regulation may be called the Provident Funds Regulation.

(2) It extends to the whole of Mysore.

(3) It shall come into force at once.

Definitions.

2. In this Regulation,

(1) "Provident Fund" means a fund in which the subscriptions or deposits of any class or classes of employees are received and held on their individual accounts, and includes any contributions, credited in respect of, and any interest accruing on, such subscriptions, or deposits under the rules of the Fund:

(2) "Government Provident Fund" means a Provident Fund constituted by the authority of Government for any class or classes of its employees:

(3) "Compulsory deposit" means a subscription or deposit which is not repayable on the demand, or at the option, of the subscriber or depositor and includes any contribution which may have been credited in respect of and any interest or increment which may have accrued on, such subscriptions or deposit under the rules of the Fund.

Payment from Government on death of subscriber or depositor.

3. When a subscriber to, or depositor in, any Government Provident Fund, dies, the officer or person whose duty it is to make payment of such sum may pay it,

(*a*) to any person entitled to receive it according to the rules of the Fund, or, in the absence of any rule of the Fund to the contrary, to any person nominated in writing by the deceased subscriber or depositor to receive it;

(*b*) in default of any such person as aforesaid, to the person who produces a succession certificate or probate or letters of administration obtained under the law in force claiming to be entitled to receive such sum, provided that where the sum payable does not exceed one thousand rupees, payment may be made to such person whom the officer or the person making the payment after reasonable enquriy finds to be entitled to receive it.

Protection to deposits and other sums in certain cases.

4. (1) Compulsory deposits in any Government Provident Fund shall not be liable to attachment under any decree or order of a Court of Justice in respect of any debt or liability incurred by a subscriber to, or depositor in, any such Fund, and a Receiver appointed under the Mysore Insolvency Regulation, 1911, shall not be entitled to, or have any claim on, any such compulsory deposit.

(2) Any sum standing to the credit of any subscriber to, or depositor in, any such Fund at the time of his decease and payable under the rules of the Fund or under this Regulation, to the widow or the children, or partly to the widow and partly to the children, of the subscriber or depositor, or to such person as may be

31

authorised by law to receive payment on her or their behalf, shall vest in the widow or the children, or partly in the widow and partly in the children as the case may be, free from any debt or other liability incurred by the deceased, or incurred by the widow or by the children, or by any one or more of them, before the death of such subscriber or depositor.

Protection for anything done in good faith under this Regulation.

5. No suit or other legal proceeding shall lie against any person in respect of anything done or in good faith intended to be done in pursuance of the provisions of this Regulation.

Power to extend Regulation to other Provident Funds.

6. The Government may in its discretion, by notification in the official Gazette, extend the provisions of this Regulation to any Provident Fund established for the benefit of its employees by any Company which administers a Railway or Tramway in Mysore under contract with Government or for employees under a District Fund or a Municipal Fund, or for any employees in any aided Educational Institution or in a Muzrai Institution, or under any company registered according to law.

STATEMENT OF OBJECTS AND REASONS.

Since the State has commenced to work Railways whether owned by the State or District Boards, it is deemed necessary to start a Provident Fund Institution for the benefit of those employed on working Railways or in the offices. It is proposed to exempt the person entitled according to the rules of the Fund, to the sum to the credit of a subscriber at his death, or his nominee from the production of a probate or succession certificate and thereby enable him to receive the amount without the trouble and expense involved in obtaining such authority. In other cases exemption is allowed only when the amount does not exceed one thousand rupees. As the Fund is intended mainly for the benefit of the family of the subscriber it is also considered necessary to protect the money from attachment. Power is also taken for extending the provisions to other Provident Funds. The Bill is drawn up on the lines of the British Indian Act.

NOTIFICATION.

No. 482—L. C., dated 13th June 1916.

Under Rule 40 of the Rules for the conduct of business of the Mysore Legislative Council, the following report of the Select Committee appointed to consider the Bill to amend the law relating to Government and other Provident Funds, is published for general information, together with the Bill as amended by them.

By Order,
G. SREENIVASA IYER,
Secretary, Mysore Legislative Council.

Report of the Select Committee on the Bill to amend the Law relating to Government and other Provident Funds.

We, the members of the Select Committee appointed to consider the Bill to amend the law relating to Government and other Provident Funds, have the honour to submit the following report to the Council with the Bill as amended by us :—

We have considered the Bill carefully and have made the following amendments therein.

Clause 3 (a).—As it is considered necessary that the name of the nominee should be registered in the office of the Fund, we have inserted the words "and registered in the office of the Fund during his life time" at the end of sub-clause (*c*) of clause 3.

To make the meaning clear we have also omitted the word "deceased" in the last line of the sub-clause.

Clause 6.—We have also substituted the words "under a local authority" for the words "a District Fund or a Municipal Fund" and the word "in" for the word "under" occurring before the words "any company" and added the words "as defined in the Mysore Muzrai Regulation, VI of 1913" after the words "Muzrai institution."

The Bill as amended by us may also be published in the *Mysore Gazette.*

A. R. BANERJI
K. P. PUTTANNA CHETTY.
J. S. CHAKRAVARTI.
C. S. BALASUNDARAM IYER.
B. K. GARUDACHAR.

A Bill to amend the Law relating to Government and other Provident Funds.

(*As amended by the Select Committee.*)

[The portions in square brackets are those omitted and those in italics newly added by the Select Committee.]

Whereas it is expedient to amend the law relating to Government and other Provident Funds; His Highness the Maharaja is pleased to enact as follows :—

Title, extent and commencement.

1. (1) This Regulation may be called the Provident Funds Regulation.

(2) It extends to the whole of Mysore.

(3) It shall come into force at once.

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Definitions.

2. In this Regulation,

(1) "Provident Fund" means a fund in which the subscriptions or deposits of any class or classes of employees are received and held on their individual accounts, and includes any contributions, credited in respect of, and any interest accruing on, such subscriptions, or deposits under the rules of the Fund:

(2) "Government Provident Fund" means a Provident Fund constituted by the authority of Government for any class or classes of its employees:

(3) "Compulsory deposit" means a subscription or deposit which is not repayable on the demand, or at the option, of the subscriber or depositor and includes any contribution which may have been credited in respect of and any interest or increment which may have accrued on, such subscriptions or deposit under the rules of the Fund.

Payment from Government on death of subscriber or depositor.

3. When a subscriber to, or depositor in, any Government Provident Fund, dies, the officer or person whose duty it is to make payment of such sum may pay it,

(*a*) to any person entitled to receive it according to the rules of the Fund, or, in the absence of any rule of the Fund to the contrary, to any person nominated in writing by the [deceased] subscriber or depositor to receive it, *and registered in the office of the Fund during his life time.*

(*b*) in default of any such person as aforesaid, to the person who produces a succession certificate or probate or letters of administration obtained under the law in force claiming to be entitled to receive such sum, provided that where the sum payable does not exceed one thousand rupees, payment may be made to such person whom the officer or the person making the payment after reasonable enquiry finds to be entitled to receive it.

Protection to deposits and other sums in certain cases.

4. (1) Compulsory deposits in any Government Provident Fund shall not be liable to attachment under any decree or order of a Court of Justice in respect of any debt or liability incurred by a subscriber to, or depositor in, any such Fund, and a Receiver appointed under the Mysore Insolvency Regulation, 1911, shall not be entitled to, or have any claim on, any such compulsory deposit.

(2) Any sum standing to the credit of any subscriber to, or depositor in, any such Fund at the time of his decease and payable under the rules of the Fund or under this Regulation, to the widow or the children, or partly to the widow and partly to the children, of the subscriber or depositor; or to such person as may be authorised by law to receive payment on her or their behalf, shall vest in the widow or the children, or partly in the widow and partly in the children as the case may be, free from any debt or other liability incurred by the deceased, or incurred by the widow or by the children, or by any one or more of them, before the death of such subscriber or depositor.

Protection for anything done in good faith under this Regulation.

5. No suit or other legal proceeding shall lie against any person in respect of anything done or in good faith intended to be done in pursuance of the provisions of this Regulation.

[illegible]

Power to extend Regulation to other Provident Funds

6. The Government may in its discretion, by notification in the official Gazette, extend the provisions of this Regulation to any Provident Fund established for the benefit of its employees by any Company which administers a Railway or Tramway in Mysore under contract with Government or for employees under [a District Fund or a Municipal Fund] *under a local authority,* or for any employees in any aided Educational Institution or in a Muzrai Institution *as defined in the Mysore Muzrai Regulation, VI of 1913,* or [under] *in* any company registered according to law.

Legis 24-15-2 D. O. No. 3093 J 1449

D. O. No 8539. 25.11.15

THE MYSORE RESIDENCY,

Bangalore, 25 · 11 · 1915.

From the first Secretary to the Resident

My dear Dewan Sahib, Resident's Camp

I am desired to acknowledge the receipt of your D.O. letter No. 3495, dated the 16th November 1915, forwarding a copy of a Bill to amend the law relating to Government and other Provident Funds, and in reply, to say that the Resident sees no prima facie objection to the Bill being laid before the Legislative Council.

Yours sincerely

for P.S.R.

Sir M. Visvesvaraya, K.C.I.E.,

Dewan of Mysore.

S.M.

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No. 2531

MYSORE STATE RAILWAYS
Central Office,
Bangalore, 14th March 1916.

DIARY No. J.2513

From

Rao Bahadur K. Krishnaiengar, Esq., B.A., L.C.E., M.R.A.S.,
Offg. Secretary to the Government of Mysore
for Railways.

To

D. M. Narasinga Rao, Esq., B.A., B.L.,
Secretary to Government, General Department.

Sir,

I have the honour to invite reference to correspondence ending with your D.O. letter No.J.2726 dated 12th January 1916 regarding the introduction of State Railway Provident Fund and to request that the papers may kindly be returned to obtain provisional approval of Government to the draft rules.

2. It is understood that a draft bill to exempt the Fund from Court attachment has been agreed at the last meeting of the Legislative Council to be introduced and as its formal introduction takes time, provisional approval of Government to the rules will have to be obtained in the interests of the Open Line staff.

I have the honour to be,
Sir,
Your most obedient servant,

Offg. Secretary for Railways,
Government of Mysore.

1913 X 36

G. R. S. 26]

Legis. File No. 24-15

Serial No. 4

Diary No. of letter replied to

No. J 3749. Encl. and file

General and Revenue Secretariat

( )

the 191 .

To

The Offg Secretary to Govt

for Railways

Bangalore

Date of issue 20/3/1916.

Signed by Asst. G. Srinivasa Rao

Sir

As desired by you in your letter No 2531 dated 14th/15th March 1916 I am directed to return herewith your Office papers in the matter of the institution of the Mysore State Railway Provident unofficially Fund sent to this Office with your D.O. No 3581 9/4/15

over.

SUBJECT.

G.R.S. 28]

Leg's File No. 24-15
Serial No. 5

Diary No. of letter replied to

Proceedings of the Government of His Highness the Maharaja of Mysore

GENERAL AND REVENUE SECRETARIAT.
( )

READ—

the 191

Date of issue 28/12/46.

Signed by M N G. Srinivasa

To the Compiler, Mysore Gazette

ORDER THEREON.—No. J2299 dt 26-12-46

May this be

i printed?

ii treated as a standing order?

iii published in the Gazette English part?

iv translated?

v placed at the disposal of the Press?

vi published in the Gazette Kannada part?

Ordered that the accompanying Regulation (The Provident Funds Regulation) which receives

over.

SUBJECT.

GPb—3000—1-12-46

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the assent of His Highness the Maharaja on the 22nd day of December 1916 be published in the Mysore Gazette for general information, as Regulation No. IX of 1916.

For Secretary to Govt.
G.D.

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The Compiler, Mysore Gazette for publication in Part-III of the Gazette in English and in Kannada and for supplying 200 spare copies in English and 200 in Kannada and 200 in a similar number to the Curator Govt. Book Depot, Bangalore. Proof should be sent to this office for approval.

REGULATION No. IX OF 1916.

(Received the assent of His Highness the Maharaja on the 22nd day of December 1916.)

A Regulation to amend the Law relating to Government and other Provident Funds.

Whereas it is expedient to amend the law relating to Government and other Provident Funds; His Highness the Maharaja is pleased to enact as follows:—

Title, extent and commencement.

1. (1) This Regulation may be called the Provident Funds Regulation, 1916.

(2) It extends to the whole of Mysore.

(3) It shall come into force at once.

Definitions.

2. In this Regulation,

(1) "Provident Fund" means a fund in which the subscriptions or deposits of any class or classes of employees are received and held on their individual accounts, and includes any contributions, credited in respect of, and any interest accruing on, such subscriptions, or deposits under the rules of the Fund:

(2) "Government Provident Fund" means a Provident Fund constituted by the authority of Government for any class or classes of its employees:

(3) "Compulsory deposit" means a subscription or deposit which is not repayable on the demand, or at the option of the subscriber or depositor and includes any contribution which may have been credited in respect of, and any interest or increment which may have accrued on, such subscriptions or deposit under the rules of the Fund.

Payment from Government on death of subscriber or depositor.

3. When a subscriber to, or depositor in, any Government Provident Fund, dies, the officer or person whose duty it is to make payment of such sum may pay it,

(*a*) to any person entitled to receive it according to the rules of the Fund, or, in the absence of any rule of the Fund to the contrary, to any person nominated in writing by the subscriber or depositor to receive it, and registered in the office of the Fund during his life time,

(*b*) in default of any such person as aforesaid, to the person who produces a succession certificate or probate or letters of administration obtained under the law in force claiming to be entitled to receive such sum, provided that where the sum payable does not exceed one thousand rupees, payment may be made to such person whom the officer or the person making the payment after reasonable enquiry finds to be entitled to receive it.

Protection to deposits and other sums in certain cases.

4. (1) Compulsory deposits in any Government Provident Fund shall not be liable to attachment under any decree or order of a Court of Justice in respect of any debt or liability incurred by a subscriber to, or depositor in, any such Fund and a Receiver appointed under the Mysore Insolvency Regulation, 1911, shall not be entitled to, or have any claim on, any such cumpulsory deposit.

(2) Any sum standing to the credit of any subscriber to, or depositor in, any such Fund at the time of his decease and payable under the rules of the Fund or under this Regulation, to the widow or the children, or partly to the widow and partly to the children, of the subscriber or depositor, or to such person as may be authorised by law to receive payment on her or their behalf, shall vest in the widow or the children, or partly in the widow and partly in the children as the case may be, free from any debt or other liability incurred by the deceased, or incurred by the widow or by the children, or by any one or more of them, before the death of such subscriber or depositor.

Protection for anything done in good faith under this Regulation.

5. No suit or other legal proceeding shall lie against any person in respect of anything done or in good faith intended to be done in pursuance of the provisions of this Regulation.

Power to extend Regulation to other Provident Funds.

6. Government may, in its discretion, by notification in the official Gazette, extend the provisions of this Regulation to any Provident Fund established for the benefit of its employees by any Company which administers a Railway or Tramway in Mysore under contract with Government or for employees under a local authority, or for any employees in any aided Educational Institution or in a Muzrai Institution as defined in the Mysore Muzrai Regulation, VI of 1913, or in any company registered according to law.

M. VISVESVARAYA,
Dewan.